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EXAMINER

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ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,893

Applicant(s)

HENDRICKS ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-26,28-45 and 51-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-26,28-45 and 51-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/628,805. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are different definitions or descriptions of the same subject matter, varying breadth. For example note the following relationship between the instant application claim 1, and copending Application No. 09/628,805 claim 1 (which includes all of the claim language of copending claim 1):

a) "A method for targeting virtual advertisements at a users terminal" (line2) of the instant application corresponds to "a method for targeting virtual advertisements to terminals," (line 2) of copending Application No. 09/628,805.

b) the claimed "assigning at least one virtual advertisement spot to a video program" (line 3) of the instant application corresponds to "assigning at least one virtual advertisement spot to a video program" (line 3) of the copending Application No. 09/628,805.

c) the claimed "assigning one or more virtual objects to the at least one virtual advertisement spot" (lines 4-5) corresponds to "assigning one or more virtual objects to the at least one virtual advertisement spot" (lines 4-5) of the copending Application No. 09/628,805.

d) The claimed "generating a retrieval plan, wherein the retrieval plan directs the terminal to select one of the one or more virtual objects for placement at said at least one virtual advertisement spot in said video program" (lines 6-8) corresponds to "generating a retrieval plan; and providing the retrieval plan to the terminal, wherein the retrieval plan directs the terminal to select one of the one or more virtual objects for placement at said at least one virtual advertisement spot in said video program" (lines 6-9) of the copending Application No. 09/628,805.

It would have been obvious to one of ordinary skill in the art to readily recognize that the conflicting claims are different definitions or descriptions of the same subject matter, varying in breadth.

Claim 6 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of copending

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Application No. 09/628,805. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to a method of targeting virtual objects, in which a program contains virtual object locations, virtual objects and alternate virtual objects are provided for a location and a retrieval plan it utilized to designate which location displays an alternate virtual object.

Claim 32 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 34 of copending Application No. 09/628,805. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to a method of assigning virtual objects to a location in a video program, by identifying the video program to carry a virtual object, assigning the object to a categories, ranking the video programs, ranking the objects and then determining which objects have the highest ranking for each category, assigning default and alternate objects to the object locations.

Claim 42 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 43 of copending Application No. 09/628,805. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to a method of targeting virtual objects by gathering information on a subscriber to generate a profile,

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correlating a profile to a virtual object category and then selecting the virtual object to display for a subscriber.

Claim 51 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 51 of copending Application No. 09/628,805. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to a routine which targets virtual objects to an individual viewer, and utilizes a group definition routine to determine target categories, a group assignment routine that assigns a terminal to a group, a virtual object location routine which determines object locations in a video program, and a retrieval plan generator which retrieves an object for display based on group characteristics.

Claim 54 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 54 of copending Application No. 09/628,805. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to method of targeting virtual objects to terminals, identifying individual terminals by their characteristics, identifying virtual object locations within programs for display at the terminals, and integrating the virtual objects for inserting into a location based on the identities of the terminals

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's failure to properly traverse the Official Notice(s) taken in the prior action is viewed as admission of prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 42-45, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,177,931 B1 to Alexander (of record) in view of U.S. Patent 6,493,872 to Rangan (of record) and U.S. Patent 5,724,521 to Dedrick..

Regarding claim 42, Alexander discloses a method for targeting virtual objects to subscribers comprising,

Gathering information related to the subscribers (column 29, lines 14-21),

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Reporting gathered information related to the subscribers at their terminals to a remote location (column 29, lines 14-55),

Analyzing the information to create a profile column 29, lines 14-32),

Correlating the profile with categories of virtual objects (column 29, lines 37-50, column 34, lines 16-23),

Selecting a first and second virtual object for display for a first and second subscriber (column 34, lines 16-23, column 33, lines 36-42).

Alexander fails to disclose determining the placement of a virtual advertisement spot in a video program and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Rangan discloses a method for adding text overlays, graphic icons and logos for advertisement over a video data stream (column 6, lines 38-50), advertisements may be associated with a tracked object or may be set to track along with an object or appear in a fixed position anywhere on a screen (column 6, lines 6-16, column 17, lines 15-33), a retrieval plan 55 (annotation stream) is transmitted along with a video stream 53 to a user device which instructs the device where to position the advertising data (column 13, line 18-column 14, line 20), thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video programs and retrieval plans of

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Rangan, thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

The combination of Alexander and Rangan fails to disclose selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Dedrick discloses a method for providing electronic ads to a number of users via a consumer scale matching process, consumer profiles and preferences are collected (column 3, lines 35-59) , a advertiser utilizes a software tool to generate a consumer scale for each ad, a number of variables for each advertisement are multiplied by a number of weights for each advertisement, and a certain threshold weight must be met before an advertiser agrees to pay/match an advertisement (column 4, lines 3-15, line 59-column 6, line 33, 55-column 7, line 35, column 12, lines 9-16), thus ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander and Rangan to utilize the selection, multiplication, ranking and weighting features of Dedrick for the advantage of ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Regarding claim 43, Alexander discloses gathering information related to the subscribers, including programs watched data (column 29, lines 1-68).

Regarding claim 44, Alexander discloses in figure 1, virtual objects locations in which advertisements are display in windows 14/16.

Regarding claims 45, Alexander discloses that there may be multiple locations for virtual objects (figure 1, positions 14/16), and that ads may be delivered along with a TV transmission (column 32, lines 55-60).

Alexander does not disclose transmitting the location for the ad along with the program.

Rangan discloses that the annotation stream which defines where to place the object may be sent along with the video in a single stream by placing the annotation data in the VBI or in a private data stream multiplexed with MPEG 2 data(column 13, lines 17-65), thus enabling users without Internet connections to receive the overlaid data.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the single stream of Rangan, thus enabling users without Internet connections to receive the overlaid data.

Regarding claim 51, Alexander discloses a routine on a terminal device, which targets virtual objects to a viewer and group of viewers,

A group definition routine, which determines target categories of viewer characteristics (column 29, lines 31-55, column 30, lines 17-37),

A group assignment routine (column 32, lines 35-54)

A virtual object location routine (column 22, lines 1-9),

A retrieval plan generator for retrieving objects based on group number (column 34, lines 17-25) at least partially based on reported viewer data from the viewer terminals (column 29, lines 14-55).

Alexander fails to disclose determining the placement of a virtual advertisement spot in a video program and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Rangan discloses a method for adding text overlays, graphic icons and logos for advertisement over a video data stream (column 6, lines 38-50), advertisements may be associated with a tracked object or may be set to track along with an object or appear in a fixed position anywhere on a screen (column 6, lines 6-16, column 17, lines 15-33), a retrieval plan 55 (annotation stream) is transmitted along with a video stream 53 to a user device which instructs the device where to position the advertising data (column 13, line 18-column 14, line 20), thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video programs and retrieval plans of Rangan, thus

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enabling advertising content to be placed anywhere on a screen while a user watches a program.

The combination of Alexander and Rangan fails to disclose selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Dedrick discloses a method for providing electronic ads to a number of users via a consumer scale matching process, consumer profiles and preferences are collected (column 3, lines 35-59) , a advertiser utilizes a software tool to generate a consumer scale for each ad, a number of variables for each advertisement are multiplied by a number of weights for each advertisement, and a certain threshold weight must be met before an advertiser agrees to pay/match an advertisement (column 4, lines 3-15, line 59-column 6, line 33, 55-column 7, line 35, column 12, lines 9-16), thus ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander and Rangan to utilize the selection, multiplication, ranking and weighting features of Dedrick for the advantage of ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

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4. Claims 1-7, 9-26, 28-31, and 52-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,177,931 B1 to Alexander (of record) in view of U.S. Patent 6,493,872 to Rangan (of record), U.S. Patent 5,991,735 to Gerace (of record) and U.S. Patent 5,724,521 to Dedrick.

Regarding claim 1, Alexander discloses a method for targeting virtual advertisements from a remote location (column 34, lines 10-25) to a display within an electronic program guide in figure 1 comprising

Assigning at least one virtual advertisement spot to a program 12

Assigning a plurality virtual objects to a virtual advertisement spot 12/16 (column 34, lines 18-25)

Generating a retrieval plan, wherein the retrieval plan instructs a plurality of the terminals to select one or more virtual objects (column 33, lines 31-65, column 34, lines 18-25, according to the plan different terminals select different targeted advertisements) and reporting the user's interactions with the EPG including interactions with ads (column 29, lines 13-55, column 30, lines 5-36) .

Alexander fails to disclose providing a retrieval plan and video program to the terminal, determining the placement of a virtual advertisement spot in a video program, reporting which objects where selected for display to the remote location and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Rangan discloses a method for adding text overlays, graphic icons and logos for advertisement over a video data stream (column 6, lines 38-50), advertisements may be associated with a tracked object or may be set to track along with an object or appear in a fixed position anywhere on a screen (column 6, lines 6-16, column 17, lines 15-33), a retrieval plan 55 (annotation stream) is transmitted along with a video stream 53 to a user device which instructs the device where to position the advertising data (column 13, line 18-column 14, line 20), thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video programs and retrieval plans of Rangan, thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

The combination of Alexander and Rangan fails to disclose reporting to the remote location the advertisements selected by the retrieval plan and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Gerace discloses a user profiling system that sends targeted advertisements to a plurality of users, and tracks which advertisements are displayed to each users, as well as if the users request more information regarding the advertisement, this information is reported back to an advertisement provider in order to determine the effectiveness of the advertisements and allow the advertiser to fine tune their intended audience

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(column 5, lines 43-67, column 7, lines 16-47, column 13, lines 31-55, column 17, lines 27-44, column 18, lines 13-53).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and Rangan to utilize the reporting and refining features of Gerace, thus enabling an advertiser to ascertain the effectiveness of their advertisements and refine their target audience.

The combination of Alexander, Rangan, and Gerace fails to disclose selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Dedrick discloses a method for providing electronic ads to a number of users via a consumer scale matching process, consumer profiles and preferences are collected (column 3, lines 35-59), a advertiser utilizes a software tool to generate a consumer scale for each ad, a number of variables for each advertisement are multiplied by a number of weights for each advertisement, and a certain threshold weight must be met before an advertiser agrees to pay/match an advertisement (column 4, lines 3-15, line 59-column 6, line 33, 55-column 7, line 35, column 12, lines 9-16), thus ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander, Rangan and Gerace to utilize the selection, multiplication, ranking and weighting features of Dedrick for the advantage of

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ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Regarding claim 2, Alexander discloses a retrieval plan comprising

Assigning the plurality of terminals to one or more groups (column 32, lines 41-55)

Designating a group mask for one or more the groups (column 32, lines 45-48)

Assigning one or more of the groups to one of the virtual objects wherein the group mask indicates which terminals display a virtual object.(column 32, lines 42-48).

Regarding claim 3, Alexander discloses that the group assignment and mask are stored in the terminal memory (column 32, lines 7-21, lines 35-47).

Regarding claim 4, Alexander discloses that group assignments may be based programs watched information and that this information is updated to reflect changes (column 29, lines 31-68).

Regarding claim 5, Alexander discloses that the retrieval plan is sent periodically (column 29, lines 22-36, column 34, lines 17-25).

Regarding claim 6, Alexander discloses a method for targeting virtual advertisements within an electronic program guide in figure 1 comprising

providing at least one virtual advertisement spot to a program 12

providing one or more virtual objects to a virtual advertisement spot 12/16

providing at least one alternate virtual object (column 33, lines 36-43)

Generating a retrieval plan, wherein the retrieval plan instructs one or more of the terminals to select one or more virtual objects (column 33, lines 44-65)

Providing the retrieval plan to the terminal (column 33, line 44-column 34, line 25).

Alexander fails to disclose providing a retrieval plan for a video program to the terminal, determining the placement of a virtual advertisement spot in a video program, reporting back the displayed virtual object to a remote location and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Rangan discloses a method for adding text overlays, graphic icons and logos for advertisement over a video data stream (column 6, lines 38-50), advertisements may be associated with a tracked object or may be set to track along with an object or appear in a fixed position anywhere on a screen (column 6, lines 6-16, column 17, lines 15-33), a retrieval plan 55 (annotation stream) is transmitted along with a video stream 53 to a user device which instructs the device where to position the advertising data (column

13, line 18-column 14, line 20), thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video programs and retrieval plans of Rangan, thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

The combination of Alexander and Rangan fails to disclose reporting to the remote location the advertisements selected by the retrieval plan and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Gerace discloses a user profiling system that sends targeted advertisements to a plurality of users, and tracks which advertisements are displayed to each users, as well as if the users request more information regarding the advertisement, this information is reported back to an advertisement provider in order to determine the effectiveness of the advertisements and allow the advertiser to fine tune their intended audience (column 5, lines 43-67, column 7, lines 16-47, column 13, lines 31-55, column 17, lines 27-44, column 18, lines 13-53).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and Rangan to utilize the reporting and refining features of Gerace, thus enabling an advertiser to ascertain the effectiveness of their advertisements and refine their target audience.

The combination of Alexander, Rangan, and Gerace fails to disclose selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Dedrick discloses a method for providing electronic ads to a number of users via a consumer scale matching process, consumer profiles and preferences are collected (column 3, lines 35-59) , a advertiser utilizes a software tool to generate a consumer scale for each ad, a number of variables for each advertisement are multiplied by a number of weights for each advertisement, and a certain threshold weight must be met before an advertiser agrees to pay/match an advertisement (column 4, lines 3-15, line 59-column 6, line 33, 55-column 7, line 35, column 12, lines 9-16), thus ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander, Rangan and Gerace to utilize the selection, multiplication, ranking and weighting features of Dedrick for the advantage of ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Regarding claim 7, Alexander discloses that the program 12 is a TV program (figure 1).

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Rangan discloses that the video programs may be TV programs (column 6, lines 42-48).

Regarding claim 9, Alexander discloses that the virtual object positions may be fixed within a frame (column 22, lines 34-47).

Rangan discloses that object locations may be fixed in a frame (column 6, lines 6-16)

Regarding claim 10, Alexander discloses a targeted advertising system.

Alexander fails to disclose identifying virtual object locations, which move in time.

Rangan discloses locating virtual object locations in a video, an annotation stream and original data stream are transmitted to a user and combined for display, advertisements may be associated with a tracked object and may provide additional information on a product (column 6, lines 6-16, 27-35, column 7, lines 18-44).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to include the virtual object locations, as taught by Rangan, thus enabling a program provider to further customize the display of advertising in a video stream and enable a user to learn more about a product.

Regarding claim 11, Alexander discloses that the virtual channel ads may be interactive (column 26, lines 4-29).

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Regarding claim 12, Alexander discloses that programs are broadcast to the terminals and that,

Categories of virtual objects and programs are created (column 34, lines 15-20, column 33, lines 57-65),

Within one or more of the categories, groups are defined (column 34, lines 56-column 35, line 2),

Generating group assignment rules based on common viewer characteristics (column 29, lines 31-55, column 30, lines 17-37),

Providing and storing the group assignment rules to the terminals (column 32, lines 27-34)

Utilizing the rules to assign a terminal to a group (column 32, lines 35-54),

Comparing the retrieval plan to the group assignments to determine which virtual object to display (column 32, lines 35-54).

Regarding claim 13, Alexander discloses,

Assigning the virtual objects to one or more virtual object locations (column 34, lines 58-column 35, line 2, Figure 1, locations 14/16),

Assigning alternate objects (column 34, lines 58-63, column 33, lines 38-43)

Creating a group mask assignment to compare the retrieval plan to the terminal group assignment (column 32, lines 39-54, column 33, lines 36-65).

Regarding claim 14, Alexander discloses,

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Ranking one or more of the video programs based on target categories and a first percentage of total viewers in one or more groups of viewers (column 34, lines 36-41),

Ranking the targeted virtual objects... (column 34, lines 36-43)

Determining for one of the video programs... (column 34, lines 58-63)

Assigning one or more objects as default objects (column 34, lines 58-63)

Assigning alternate objects (column 34, lines 58-63).

Regarding claims 15-18, Alexander discloses groups include profiling information such as demographics, viewer entered information, and programs watched (column 28, lines 13-21, column 29, lines 43-44, column 30, lines 29-38).

Regarding claim 19, Alexander discloses that the profile includes ads watched information (column 27, lines 45-47).

Regarding claim 20, Alexander discloses that the virtual channel ads may be interactive (column 26, lines 4-29) and that the profile includes ads watched information (column 27, lines 45-47).

Regarding claim 21, Alexander discloses the terminal is a set top box (column 3, lines 3-7).

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Regarding claim 22, Alexander discloses that the display 10 may be a PC monitor (column 3, lines 3-7) and that the terminal may have an Internet connection (column 33, lines 44-47).

Alexander does not disclose the use of a personal computer as a television terminal, though Rangan does disclose that System 115 may be a WebTV, which receives and combines video and labels (column 21, lines 18-30, column 22, lines 18-42).

The examiner takes official notice that the use of a pc as a television as a terminal is notoriously well known in the art, in particular for enabling access to the Internet or other online resources.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and Rangan to utilize a PC as a television terminal, thus enabling a user to retrieve additional information regarding a program or service.

Regarding claim 23, Alexander discloses that the display 10 may be a generated by a conventional STB (column 3, lines 3-7) and that the EPG may know which satellite services a user is subscribed too (column 28, lines 12-16).

Alexander fails to disclose coupling the TV terminal to a satellite receiver.

Rangan discloses in figure 12 that receiver system 115 may be coupled to a satellite receiver (column 21, lines 31-42), thus enabling a user who lives in a remote area without cable service to receive programming.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize Rangan's satellite connection thus enabling a user who lives in a remote area without cable service to receive programming.

Regarding claims 24 and 29, Alexander discloses that the profile includes information regarding which ads a user has watched within the EPG (column 27, lines 45-47) and that profile information may be processed at the headend (column 29, lines 14-21), history of programs watched is over written by deleting the oldest data stored in memory (column 34, lines 49-51).

The combination of Alexander, Rangan, Gerace and Dedrick fails to disclose deleting the identification of the ad watched from the memory within the terminal.

The examiner takes official notice that deleting information after it has been transmitted is notoriously well known in the art. Deleting information frees up limited memory within a device and enables other information to be stored in its place.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander, Rangan, Gerace and Dedrick to delete an identification from memory, thus freeing up memory for use by other programs and records within the terminal.

Regarding claim 25, Alexander discloses that the retrieval plan may be provided with the program (column 33, lines 1-8).

Regarding claim 26, Alexander discloses, a method of targeting virtual objects from a remote location (column 34, lines 10-25) to terminals comprising:

Creating a package of targeted virtual objects and providing the ads to one or more of the terminals (column, lines 44-50),

Generating a group assignment matrix and providing it to one or more of the terminals (column 32, lines 45-48),

Generating and providing a retrieval plan to the terminal (column 32, lines 41-45)

Providing a program 10 to the terminals, the program including at least one virtual object location 14 (Figure 1).

Alexander fails to disclose providing a retrieval plan for a video program to the terminal, determining the placement of a virtual advertisement spot in a video program, reporting back the displayed virtual object to a remote location and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Rangan discloses a method for adding text overlays, graphic icons and logos for advertisement over a video data stream (column 6, lines 38-50), advertisements may be associated with a tracked object or may be set to track along with an object or appear in a fixed position anywhere on a screen (column 6, lines 6-16, column 17, lines 15-33), a retrieval plan 55 (annotation stream) is transmitted along with a video stream 53 to a user device which instructs the device where to position the advertising data (column

13, line 18-column 14, line 20), thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video programs and retrieval plans of Rangan, thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

The combination of Alexander and Rangan fails to disclose reporting to the remote location the advertisements selected by the retrieval plan and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Gerace discloses a user profiling system that sends targeted advertisements to a plurality of users, and tracks which advertisements are displayed to each users, as well as if the users request more information regarding the advertisement, this information is reported back to an advertisement provider in order to determine the effectiveness of the advertisements and allow the advertiser to fine tune their intended audience (column 5, lines 43-67, column 7, lines 16-47, column 13, lines 31-55, column 17, lines 27-44, column 18, lines 13-53).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and Rangan to utilize the reporting and refining features of Gerace, thus enabling an advertiser to ascertain the effectiveness of their advertisements and refine their target audience.

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The combination of Alexander, Rangan, and Gerace fails to disclose selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Dedrick discloses a method for providing electronic ads to a number of users via a consumer scale matching process, consumer profiles and preferences are collected (column 3, lines 35-59) , a advertiser utilizes a software tool to generate a consumer scale for each ad, a number of variables for each advertisement are multiplied by a number of weights for each advertisement, and a certain threshold weight must be met before an advertiser agrees to pay/match an advertisement (column 4, lines 3-15, line 59-column 6, line 33, 55-column 7, line 35, column 12, lines 9-16), thus ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander, Rangan and Gerace to utilize the selection, multiplication, ranking and weighting features of Dedrick for the advantage of ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Regarding claim 28, Alexander discloses comparing a group assignment matrix to a retrieval plan and then selecting the appropriate targeted advertisement (column 34, lines 10-23).

Regarding claims 30-31, Alexander discloses that a virtual object may be an EPG link to an Internet website (column 34, lines 10-15).

Regarding claim 52, Alexander discloses a method for targeting virtual objects to viewers comprising,

Recognizing a virtual object location in a program (column 22, lines 1-9),

Receiving one or more virtual objects (column 33, lines 44-50),

Generating a retrieval plan that instructs a viewers terminal to place an at in a location (column 34, lines 15-25).

Alexander fails to disclose providing a retrieval plan and video program to the terminal, determining the placement of a virtual advertisement spot in a video program, reporting the inserted virtual objects to a remote location and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting..

Rangan discloses a method for adding text overlays, graphic icons and logos for advertisement over a video data stream (column 6, lines 38-50), advertisements may be associated with a tracked object or may be set to track along with an object or appear in

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a fixed position anywhere on a screen (column 6, lines 6-16, column 17, lines 15-33), a retrieval plan 55 (annotation stream) is transmitted along with a video stream 53 to a user device which instructs the device where to position the advertising data (column 13, line 18-column 14, line 20), thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video programs and retrieval plans of Rangan, thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

The combination of Alexander and Rangan fails to disclose reporting to the remote location the advertisements selected by the retrieval plan and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting..

Gerace discloses a user profiling system that sends targeted advertisements to a plurality of users, and tracks which advertisements are displayed to each users, as well as if the users request more information regarding the advertisement, this information is reported back to an advertisement provider in order to determine the effectiveness of the advertisements and allow the advertiser to fine tune their intended audience (column 5, lines 43-67, column 7, lines 16-47, column 13, lines 31-55, column 17, lines 27-44, column 18, lines 13-53).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and Rangan to utilize the reporting and refining features of Gerace, thus enabling an advertiser to ascertain the effectiveness of their advertisements and refine their target audience.

The combination of Alexander, Rangan, and Gerace fails to disclose selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Dedrick discloses a method for providing electronic ads to a number of users via a consumer scale matching process, consumer profiles and preferences are collected (column 3, lines 35-59) , a advertiser utilizes a software tool to generate a consumer scale for each ad, a number of variables for each advertisement are multiplied by a number of weights for each advertisement, and a certain threshold weight must be met before an advertiser agrees to pay/match an advertisement (column 4, lines 3-15, line 59-column 6, line 33, 55-column 7, line 35, column 12, lines 9-16), thus ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander, Rangan and Gerace to utilize the selection, multiplication, ranking and weighting features of Dedrick for the advantage of ensuring that users receive advertising which is tailored to their interests, and that

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advertisers are provided with potential customers who are most interested in their products

Regarding claim 53, Alexander discloses a method for targeting virtual objects to locations in a program,

Identifying advertisements for insertion into a location (column 34, lines 17-25), and providing an object based on the identity of a terminal that displays the program (column 32, lines 39-54).

Alexander fails to determining the placement of a virtual advertisement spot in a video program and reporting inserted virtual objects to a remote location and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Rangan discloses a method for adding text overlays, graphic icons and logos for advertisement over a video data stream (column 6, lines 38-50), advertisements may be associated with a tracked object or may be set to track along with an object or appear in a fixed position anywhere on a screen (column 6, lines 6-16, column 17, lines 15-33), a retrieval plan 55 (annotation stream) is transmitted along with a video stream 53 to a user device which instructs the device where to position the advertising data (column 13, line 18-column 14, line 20), thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video programs and retrieval plans of Rangan, thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

The combination of Alexander, Rangan, and Gerace fails to disclose selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Dedrick discloses a method for providing electronic ads to a number of users via a consumer scale matching process, consumer profiles and preferences are collected (column 3, lines 35-59) , a advertiser utilizes a software tool to generate a consumer scale for each ad, a number of variables for each advertisement are multiplied by a number of weights for each advertisement, and a certain threshold weight must be met before an advertiser agrees to pay/match an advertisement (column 4, lines 3-15, line 59-column 6, line 33, 55-column 7, line 35, column 12, lines 9-16), thus ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander, Rangan and Gerace to utilize the selection, multiplication, ranking and weighting features of Dedrick for the advantage of ensuring that users receive advertising which is tailored to their interests, and that

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advertisers are provided with potential customers who are most interested in their products

Regarding claim 54, Alexander discloses a method for targeting advertisements from a central location to terminals (column 33, lines 44-56, column 34, lines 10-25),

Identifying a terminal based on profile information (column 33, lines

Identifying virtual object locations... (Column 22, lines 1-9),

Targeting virtual objects for insertion... (Column 32, lines 39-47).

Alexander fails to disclose determining the placement of a virtual advertisement spot in a video program and reporting the inserted virtual objects to the central location and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting..

Rangan discloses a method for adding text overlays, graphic icons and logos for advertisement over a video data stream (column 6, lines 38-50), advertisements may be associated with a tracked object or may be set to track along with an object or appear in a fixed position anywhere on a screen (column 6, lines 6-16, column 17, lines 15-33), a retrieval plan 55 (annotation stream) is transmitted along with a video stream 53 to a user device which instructs the device where to position the advertising data (column 13, line 18-column 14, line 20), thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video program placement of Rangan, thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

The combination of Alexander and Rangan fails to disclose reporting to the remote location the advertisements selected by the retrieval plan and selecting virtual objects by multiplying a group ranking percentage by a virtual object location breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting..

Gerace discloses a user profiling system that sends targeted advertisements to a plurality of users, and tracks which advertisements are displayed to each users, as well as if the users request more information regarding the advertisement, this information is reported back to an advertisement provider in order to determine the effectiveness of the advertisements and allow the advertiser to fine tune their intended audience (column 5, lines 43-67, column 7, lines 16-47, column 13, lines 31-55, column 17, lines 27-44, column 18, lines 13-53).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and Rangan to utilize the reporting and refining features of Gerace, thus enabling an advertiser to ascertain the effectiveness of their advertisements and refine their target audience.

The combination of Alexander, Rangan, and Gerace fails to disclose selecting virtual objects by multiplying a group ranking percentage by a virtual object location

breakdown percentage to obtain a result for each object, ranking the objects from best to worst match and assigning a weighting.

Dedrick discloses a method for providing electronic ads to a number of users via a consumer scale matching process, consumer profiles and preferences are collected (column 3, lines 35-59) , a advertiser utilizes a software tool to generate a consumer scale for each ad, a number of variables for each advertisement are multiplied by a number of weights for each advertisement, and a certain threshold weight must be met before an advertiser agrees to pay/match an advertisement (column 4, lines 3-15, line 59-column 6, line 33, 55-column 7, line 35, column 12, lines 9-16), thus ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander, Rangan and Gerace to utilize the selection, multiplication, ranking and weighting features of Dedrick for the advantage of ensuring that users receive advertising which is tailored to their interests, and that advertisers are provided with potential customers who are most interested in their products

Regarding claim 55, Alexander discloses displaying multiple ads simultaneously, (figure 1, locations 14/16).

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Regarding claims 56 and 58, Alexander discloses that a virtual object may be an EPG link to an Internet website which then displays the information (column 34, lines 10-15).

Regarding claim 57, Alexander discloses that the content may be a video clip related to the product being advertised (column 20, lines 4-12).

The combination Alexander, Rangan, Gerace and Dedrick does not disclose the location of the video clip.

The examiner takes official notice that transmitting video from a operations center is notoriously well known in the art. Transmitting from an operations center on the same network allows for the video to be transmitted with a high quality of service, as the data is located on the same network as a user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander, Rangan, Gerace and Dedrick to store a video clip at an operations center, thus allowing for a high fidelity transmission through a local network provider.

5. Claims 32-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,177,931 B1 to Alexander (of record) in view of U.S. Patent 6,493,872 to Rangan (of record), U.S. Patent 5,991,735 to Gerace (of record).

Regarding claim 32, Alexander discloses a method for assigning targeted virtual objects in a program comprising,

Identifying a program to carry a targeted virtual object (column 33, lines 26-36),

Assigning the virtual objects to target categories (column 34, lines 16-18),

Dividing the categories into groups of viewers (column 34, lines 16-18)

Ranking one or more of the programs based on target categories and a first percentage of total viewers in one or more groups of viewers (column 34, lines 36-41),

Ranking the targeted virtual objects... (column 34, lines 36-43)

Determining for one of the programs... (column 34, lines 58-63)

Assigning one or more objects as default objects (column 34, lines 58-63)

Assigning alternate objects (column 34, lines 58-63)

Assigning the objects to the virtual objects locations (column 34, lines 58-column 35, line 2).

Alexander fails to disclose providing a retrieval plan and video program to the terminal, determining the placement of a virtual advertisement spot in a video program, and reporting the assigned virtual objects from the terminals to a remote location.

Rangan discloses a method for adding text overlays, graphic icons and logos for advertisement over a video data stream (column 6, lines 38-50), advertisements may be associated with a tracked object or may be set to track along with an object or appear in a fixed position anywhere on a screen (column 6, lines 6-16, column 17, lines 15-33), a retrieval plan 55 (annotation stream) is transmitted along with a video stream 53 to a

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user device which instructs the device where to position the advertising data (column 13, line 18-column 14, line 20), thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the video programs and retrieval plans of Rangan, thus enabling advertising content to be placed anywhere on a screen while a user watches a program.

The combination of Alexander and Rangan fails to disclose reporting to the remote location the advertisements selected by the retrieval plan.

Gerace discloses a user profiling system that sends targeted advertisements to a plurality of users, and tracks which advertisements are displayed to each users, as well as if the users request more information regarding the advertisement, this information is reported back to an advertisement provider in order to determine the effectiveness of the advertisements and allow the advertiser to fine tune their intended audience (column 5, lines 43-67, column 7, lines 16-47, column 13, lines 31-55, column 17, lines 27-44, column 18, lines 13-53).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and Rangan to utilize the reporting and refining features of Gerace, thus enabling an advertiser to ascertain the effectiveness of their advertisements and refine their target audience.

Regarding claims 33-34, Alexander discloses the percentages are based on programs watched data and viewer demographics (column 28, lines 13-21, column 29, lines 43-44, column 30, lines 29-38).

Regarding claim 35, Alexander discloses:

Generating a group assignment matrix and providing it to one or more of the terminals (column 32, lines 45-48),

Generating and providing a retrieval plan to the terminal (column 32, lines 41-45)

Providing a program 10 to the terminals, the program including at least one virtual object location 14 (Figure 1).

Regarding claim 36, Alexander discloses that the retrieval plan and group assignments may be updated and sent back to the terminals (column 29, lines 14-30, column 33, lines 9-15, column 34, lines 49-55).

Regarding claim 37-38, Alexander discloses that the targeted objects, retrieval plan and group assignment matrix may be transmitted over the Internet (column 29, lines 31-37, column 33, lines 44-56).

Regarding claim 39, Alexander discloses that the objects may be transmitted from a cable network (headend, column 32, lines 45-51).

Regarding claim 40, Alexander discloses that the advertisements may be transmitted with the program (column 32, lines 55-56).

Regarding claim 41, Alexander discloses that the advertisements may be transmitted separately from the program (column 33, lines 44-47).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,973,436 to Shkedi: Method for Transacting and Advertisement Transfer.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



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